

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

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FOR

SENATE BILLS NOS. 969, 673 & 855

AN ACT

2 To repeal sections 43.540, 542.261, 542.276,  
3 556.061, 565.225, 565.253, 566.010, 566.030,  
4 566.060, 566.090, 569.070, and 632.483, RSMo,  
5 and to enact in lieu thereof twenty-three new  
6 sections relating to the prosecution and  
7 prevention of sex crimes, with penalty  
8 provisions and an emergency clause.

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9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
10 AS FOLLOWS:

11 Section A. Sections 43.540, 542.261, 542.276, 556.061,  
12 565.225, 565.253, 566.010, 566.030, 566.060, 566.090, 569.070,  
13 and 632.483, RSMo, are repealed and twenty-three new sections  
14 enacted in lieu thereof, to be known as sections 43.540, 43.653,  
15 43.656, 43.659, 542.261, 542.276, 556.061, 565.200, 565.225,  
16 565.252, 565.253, 566.010, 566.030, 566.060, 566.090, 566.111,  
17 566.145, 566.151, 569.070, 578.600, 578.605, 578.610, and  
18 632.483, to read as follows:

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**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted from the law.  
Matter in boldface type in the above law is new proposed language.**

1           43.540. 1. As used in this section, the following terms  
2 mean:

3           (1) "Criminal record review", a request to the highway  
4 patrol for information concerning any criminal history record for  
5 a felony or misdemeanor and any offense for which the person has  
6 registered pursuant to sections 589.400 to 589.425, RSMo;

7           (2) "Patient or resident", a person who by reason of aging,  
8 illness, disease or physical or mental infirmity receives or  
9 requires care or services furnished by a provider, as defined in  
10 this section, or who resides or boards in, or is otherwise kept,  
11 cared for, treated or accommodated in a facility as defined in  
12 section 198.006, RSMo, for a period exceeding twenty-four  
13 consecutive hours;

14           (3) "Patrol", the Missouri state highway patrol;

15           (4) "Provider", any licensed day care home, licensed day  
16 care center, licensed child placing agency, licensed residential  
17 care facility for children, licensed group home, licensed foster  
18 family group home, licensed foster family home or any operator  
19 licensed pursuant to chapter 198, RSMo, any employer of nurses or  
20 nursing assistants for temporary or intermittent placement in  
21 health care facilities or any entity licensed pursuant to chapter  
22 197, RSMo;

23           (5) "Youth services agency", any public or private agency,  
24 school, or association which provides programs, care or treatment  
25 for or which exercises supervision over minors.

1           2. Upon receipt of a written request from a private  
2     investigatory agency, a youth service agency or a provider, with  
3     the written consent of the applicant, the highway patrol shall  
4     conduct a criminal record review of an applicant for a paid or  
5     voluntary position with the agency or provider if such position  
6     would place the applicant in contact with minors, patients or  
7     residents.

8           3. Any request for information made pursuant to the  
9     provisions of this section shall be on a form provided by the  
10    highway patrol and shall be signed by the person who is the  
11    subject of the request.

12          4. The patrol shall respond in writing to the youth service  
13    agency or provider making a request for information pursuant to  
14    this section and shall inform such youth service agency or  
15    provider of the address and offense for which the offender  
16    registered pursuant to sections 589.400 to 589.425, RSMo, and the  
17    nature of the offense, and the date, place and court for any  
18    other offenses contained in the criminal record review.

19    Notwithstanding any other provision of law to the contrary, the  
20    youth service agency or provider making such request shall have  
21    access to all records of arrests resulting in an adjudication  
22    where the applicant was found guilty or entered a plea of guilty  
23    or nolo contendere in a prosecution pursuant to chapter 565,  
24    RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any  
25    state or the United States for offenses described in sections

1 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period  
2 of any probation imposed by the sentencing court.

3 5. Any information received by a provider or a youth  
4 services agency pursuant to this section shall be used solely for  
5 the provider's or youth service agency's internal purposes in  
6 determining the suitability of an applicant or volunteer. The  
7 information shall be confidential and any person who discloses  
8 the information beyond the scope allowed in this section is  
9 guilty of a class A misdemeanor. The patrol shall inform, in  
10 writing, the provider or youth services agency of the  
11 requirements of this subsection and the penalties provided in  
12 this subsection at the time it releases any information pursuant  
13 to this section.

14 43.653. The state highway patrol is hereby authorized to  
15 create, direct, control and supervise the "Missouri Regional  
16 Computer Forensics Lab" (RCFL). The Department of Public Safety  
17 has the ability to bring together federal, state, and local  
18 resources to fight computer crimes for the purposes listed in  
19 section 43.656. The RCFL shall be located within a twenty-five  
20 mile radius of an international airport.

21 43.656. It is hereby found and declared that:

22 (1) With the widespread use of computers, the Internet and  
23 electronic devices to commit crimes and the critical lack of  
24 resources at state and local levels;

25 (2) Modern day criminals have learned to exploit the

1 Internet and electronic communication to leverage computer  
2 technology to reach a virtually unlimited number of victims while  
3 maintaining a maximum level of anonymity, computer crimes will  
4 continue to mount, especially in, but not limited to, the areas  
5 of child pornography and sexual offenses involving children,  
6 consumer fraud and harassment.

7 (3) It is necessary for the protection of the citizens of  
8 this state that provisions be made for the establishment of the  
9 Missouri regional computer forensics lab to prevent and reduce  
10 computer, Internet and other electronically-based crimes.

11 43.659. The state highway patrol shall have the power, as  
12 necessary or convenient to carry out and effectuate the purposes  
13 and provisions of sections 43.653 to 43.656, to enter into  
14 agreements or other transactions with, negotiate memorandum of  
15 understanding with all governmental agencies, participate in  
16 interstate computer forensic matters as they relate to the  
17 purposes of the center, both within and outside the state when  
18 necessary or appropriate, or when required to do so by a proper  
19 authority and accept grants and the cooperation of, the United  
20 States or any agency or instrumentality thereof or of this state  
21 or any agency or instrumentality thereof, in furtherance of the  
22 purposes of this section, and to do any and all things necessary  
23 in order to avail itself of such aid and cooperation.

24 542.261. As used in sections 542.261 to 542.296 and section  
25 542.301, the term "peace officer" means a police officer, member

1 of the highway patrol to the extent otherwise permitted by law to  
2 conduct searches, sheriff or deputy sheriff, and the term  
3 "technological crime" shall be defined as it is in section  
4 578.600, RSMo.

5 542.276. 1. Any peace officer or prosecuting attorney may  
6 make application under section 542.271 for the issuance of a  
7 search warrant. In any investigation of a technological crime,  
8 the attorney general may also make application under section  
9 542.271 for the issuance of a search warrant.

10 2. The application shall:

11 (1) Be in writing;

12 (2) State the time and date of the making of the  
13 application;

14 (3) Identify the property, article, material, substance or  
15 person which is to be searched for and seized, in sufficient  
16 detail and particularity that the officer executing the warrant  
17 can readily ascertain it;

18 (4) Identify the person, place, or thing which is to be  
19 searched, in sufficient detail and particularity that the officer  
20 executing the warrant can readily ascertain whom or what he is to  
21 search;

22 (5) State facts sufficient to show probable cause for the  
23 issuance of a search warrant;

24 (6) Be verified by the oath or affirmation of the  
25 applicant;

1           (7) Be filed in the proper court;

2           (8) Be signed by the prosecuting attorney of the county  
3 where the search is to take place, or [his] by the prosecuting  
4 attorney's designated assistant, or, in the case of an  
5 application to search for and seize evidence related to a  
6 technological crime, be signed by the attorney general or the  
7 attorney general's designated assistant, or the prosecuting  
8 attorney or the prosecuting attorney's designated assistant.

9           3. The application may be supplemented by a written  
10 affidavit verified by oath or affirmation. Such affidavit shall  
11 be considered in determining whether there is probable cause for  
12 the issuance of a search warrant and in filling out any  
13 deficiencies in the description of the person, place, or thing to  
14 be searched or of the property, article, material, substance, or  
15 person to be seized. Oral testimony shall not be considered.

16           4. The judge shall hold a nonadversary hearing to determine  
17 whether sufficient facts have been stated to justify the issuance  
18 of a search warrant. If it appears from the application and any  
19 supporting affidavit that there is probable cause to believe that  
20 property, article, material, substance, or person subject to  
21 seizure is on the person or at the place or in the thing  
22 described, a search warrant shall immediately be issued. The  
23 warrant shall be issued in the form of an original and two  
24 copies.

25           5. The application and any supporting affidavit and a copy

1 of the warrant shall be retained in the records of the court from  
2 which the warrant was issued.

3 6. The search warrant shall:

4 (1) Be in writing and in the name of the state of Missouri;

5 (2) Be directed to any peace officer in the state;

6 (3) State the time and date the warrant is issued;

7 (4) Identify the property, article, material, substance or  
8 person which is to be searched for and seized, in sufficient  
9 detail and particularity that the officer executing the warrant  
10 can readily ascertain it;

11 (5) Identify the person, place, or thing which is to be  
12 searched, in sufficient detail and particularity that the officer  
13 executing the warrant can readily ascertain whom or what he is to  
14 search;

15 (6) Command that the described person, place, or thing be  
16 searched and that any of the described property, article,  
17 material, substance, or person found thereon or therein be seized  
18 or photographed or copied and be returned, or the photograph or  
19 copy be brought, within ten days after filing of the application,  
20 to the judge who issued the warrant, to be dealt with according  
21 to law;

22 (7) Be signed by the judge, with his title of office  
23 indicated.

24 7. A search warrant issued under this section may be  
25 executed only by a peace officer. The warrant shall be executed



1 by conducting the search and seizure commanded.

2 8. A search warrant shall be executed as soon as  
3 practicable and shall expire if it is not executed and the return  
4 made within ten days after the date of the making of the  
5 application.

6 9. After execution of the search warrant, the warrant with  
7 a return thereon, signed by the officer making the search, shall  
8 be delivered to the judge who issued the warrant. The return  
9 shall show the date and manner of execution, what was seized, and  
10 the name of the possessor and of the owner, when he is not the  
11 same person, if known. The return shall be accompanied by a copy  
12 of the itemized receipt required by subsection [6] 5 of section  
13 542.291. The judge or clerk shall, upon request, deliver a copy  
14 of such receipt to the person from whose possession the property  
15 was taken and to the applicant for the warrant.

16 10. A search warrant shall be deemed invalid:

17 (1) If it was not issued by a judge; or

18 (2) If it was issued without a written application having  
19 been filed and verified; or

20 (3) If it was issued without probable cause; or

21 (4) If it was not issued in the proper county; or

22 (5) If it does not describe the person, place, or thing to  
23 be searched or the property, article, material, substance, or  
24 person to be seized with sufficient certainty; or

25 (6) If it is not signed by the judge who issued it; or

1           (7) If it was not executed within the time prescribed by  
2 subsection 8 of this section.

3           556.061. In this code, unless the context requires a  
4 different definition, the following shall apply:

5           (1) "Affirmative defense" has the meaning specified in  
6 section 556.056;

7           (2) "Burden of injecting the issue" has the meaning  
8 specified in section 556.051;

9           (3) "Commercial film and photographic print processor", any  
10 person who develops exposed photographic film into negatives,  
11 slides or prints, or who makes prints from negatives or slides,  
12 for compensation. The term commercial film and photographic  
13 print processor shall include all employees of such persons but  
14 shall not include a person who develops film or makes prints for  
15 a public agency;

16          (4) "Confinement":

17          (a) A person is in confinement when such person is held in  
18 a place of confinement pursuant to arrest or order of a court,  
19 and remains in confinement until:

20           a. A court orders the person's release; or

21           b. The person is released on bail, bond, or recognizance,  
22 personal or otherwise; or

23           c. A public servant having the legal power and duty to  
24 confine the person authorizes his release without guard and  
25 without condition that he return to confinement;

1 (b) A person is not in confinement if:

2 a. The person is on probation or parole, temporary or  
3 otherwise; or

4 b. The person is under sentence to serve a term of  
5 confinement which is not continuous, or is serving a sentence  
6 under a work-release program, and in either such case is not  
7 being held in a place of confinement or is not being held under  
8 guard by a person having the legal power and duty to transport  
9 the person to or from a place of confinement;

10 (5) "Consent": consent or lack of consent may be expressed  
11 or implied. Assent does not constitute consent if:

12 (a) It is given by a person who lacks the mental capacity  
13 to authorize the conduct charged to constitute the offense and  
14 such mental incapacity is manifest or known to the actor; or

15 (b) It is given by a person who by reason of youth, mental  
16 disease or defect, or intoxication, is manifestly unable or known  
17 by the actor to be unable to make a reasonable judgment as to the  
18 nature or harmfulness of the conduct charged to constitute the  
19 offense; or

20 (c) It is induced by force, duress or deception;

21 (6) "Criminal negligence" has the meaning specified in  
22 section 562.016, RSMo;

23 (7) "Custody", a person is in custody when the person has  
24 been arrested but has not been delivered to a place of  
25 confinement;

1           (8) "Dangerous felony" means the felonies of arson in the  
2 first degree, assault in the first degree, forcible rape,  
3 forcible sodomy, kidnapping, murder in the second degree and  
4 robbery in the first degree or any attempt to commit any of the  
5 preceding felonies;

6           (9) "Dangerous instrument" means any instrument, article or  
7 substance, which, under the circumstances in which it is used, is  
8 readily capable of causing death or other serious physical  
9 injury;

10          (10) "Deadly weapon" means any firearm, loaded or unloaded,  
11 or any weapon from which a shot, readily capable of producing  
12 death or serious physical injury, may be discharged, or a  
13 switchblade knife, dagger, billy, blackjack or metal knuckles;

14          (11) "Felony" has the meaning specified in section 556.016;

15          (12) "Forcible compulsion" means either:

16           (a) Physical force that overcomes reasonable resistance; or

17           (b) A threat, express or implied, that places a person in  
18 reasonable fear of death, serious physical injury or kidnapping  
19 of such person or another person;

20          (13) "Incapacitated" means that physical or mental  
21 condition, temporary or permanent, in which a person is  
22 unconscious, unable to appraise the nature of such person's  
23 conduct, or unable to communicate unwillingness to an act. A  
24 person is not incapacitated with respect to an act committed upon  
25 such person if he or she became unconscious, unable to appraise

1 the nature of such person's conduct or unable to communicate  
2 unwillingness to an act, after consenting to the act;

3 (14) "Infraction" has the meaning specified in section  
4 556.021;

5 (15) "Inhabitable structure" has the meaning specified in  
6 section 569.010, RSMo;

7 (16) "Knowingly" has the meaning specified in section  
8 562.016, RSMo;

9 (17) "Law enforcement officer" means any public servant  
10 having both the power and duty to make arrests for violations of  
11 the laws of this state, and federal law enforcement officers  
12 authorized to carry firearms and to make arrests for violations  
13 of the laws of the United States;

14 (18) "Misdemeanor" has the meaning specified in section  
15 556.016;

16 (19) "Offense" means any felony, misdemeanor or infraction;

17 (20) "Physical injury" means physical pain, illness, or any  
18 impairment of physical condition;

19 (21) "Place of confinement" means any building or facility  
20 and the grounds thereof wherein a court is legally authorized to  
21 order that a person charged with or convicted of a crime be held;

22 (22) "Possess" or "possessed" means having actual or  
23 constructive possession of an object with knowledge of its  
24 presence. A person has actual possession if such person has the  
25 object on his or her person or within easy reach and convenient

1 control. A person has constructive possession if such person has  
2 the power and the intention at a given time to exercise dominion  
3 or control over the object either directly or through another  
4 person or persons. Possession may also be sole or joint. If one  
5 person alone has possession of an object, possession is sole. If  
6 two or more persons share possession of an object, possession is  
7 joint;

8 (23) "Public servant" means any person employed in any way  
9 by a government of this state who is compensated by the  
10 government by reason of such person's employment, any person  
11 appointed to a position with any government of this state, or any  
12 person elected to a position with any government of this state.  
13 It includes, but is not limited to, legislators, jurors, members  
14 of the judiciary and law enforcement officers. It does not  
15 include witnesses;

16 (24) "Purposely" has the meaning specified in section  
17 562.016, RSMo;

18 (25) "Recklessly" has the meaning specified in section  
19 562.016, RSMo;

20 (26) "Ritual" or "ceremony" means an act or series of acts  
21 performed by two or more persons as part of an established or  
22 prescribed pattern of activity;

23 (27) "Serious emotional injury", an injury that creates a  
24 substantial risk of temporary or permanent medical or  
25 psychological damage, manifested by impairment of a behavioral,

1 cognitive or physical condition. Serious emotional injury shall  
2 be established by testimony of qualified experts upon the  
3 reasonable expectation of probable harm to a reasonable degree of  
4 medical or psychological certainty;

5 (28) "Serious physical injury" means physical injury that  
6 creates a substantial risk of death or that causes serious  
7 disfigurement or protracted loss or impairment of the function of  
8 any part of the body;

9 (29) "Sexual conduct" means acts of human masturbation;  
10 deviate sexual intercourse; sexual intercourse; or physical  
11 contact with a person's clothed or unclothed genitals, pubic  
12 area, buttocks, or the breast of a female in an act of apparent  
13 sexual stimulation or gratification;

14 (30) "Sexual contact" means any touching of the genitals or  
15 anus of any person, or the breast of any female person, or any  
16 such touching through the clothing, for the purpose of arousing  
17 or gratifying sexual desire of any person;

18 (31) "Sexual performance", any performance, or part  
19 thereof, which includes sexual conduct by a child who is less  
20 than seventeen years of age;

21 (32) "Voluntary act" has the meaning specified in section  
22 562.011, RSMo.

23 565.200. 1. Any owner or employee of a skilled nursing  
24 facility, as defined in section 198.006, RSMo, or an Alzheimer's  
25 special unit or program, as defined in section 198.505, RSMo,

1     who:

2             (1) Has sexual contact, as defined in section 566.010,  
3     RSMo, with a resident is guilty of a class B misdemeanor. Any  
4     person who commits a second or subsequent violation of this  
5     subdivision is guilty of a class A misdemeanor; or

6             (2) Has sexual intercourse or deviate sexual intercourse,  
7     as defined in section 566.010, RSMo, with a resident is guilty of  
8     a class D felony. Any person who commits a second or subsequent  
9     violation of this subdivision is guilty of a class C felony.

10            2. The provisions of this section shall not apply to an  
11     owner or employee of a skilled nursing facility or Alzheimer's  
12     special unit or program who engages in sexual conduct, as defined  
13     in section 566.010, RSMo, with a resident to whom the owner or  
14     employee is married.

15            3. Consent of the victim is not a defense to a prosecution  
16     pursuant to this section.

17            565.225. 1. As used in this section, the following terms  
18     shall mean:

19            (1) "Course of conduct", a pattern of conduct composed of a  
20     series of acts, which may include electronic or other  
21     communications, over a period of time, however short, evidencing  
22     a continuity of purpose. Constitutionally protected activity is  
23     not included within the meaning of "course of conduct". Such  
24     constitutionally protected activity includes picketing or other  
25     organized protests;



1           (2) "Credible threat", a threat made with the intent to  
2     cause the person who is the target of the threat to reasonably  
3     fear for his or her safety. The threat must be against the life  
4     of, or a threat to cause physical injury to, a person and may  
5     include a threat communicated to the targeted person in writing,  
6     including electronic communications, by telephone, or by the  
7     posting of a site or message that is accessible via computer;

8           (3) "Harasses", to engage in a course of conduct directed  
9     at a specific person that serves no legitimate purpose, that  
10    would cause a reasonable person to suffer substantial emotional  
11    distress, and that actually causes substantial emotional distress  
12    to that person.

13          2. Any person who purposely and repeatedly harasses or  
14    follows with the intent of harassing another person commits the  
15    crime of stalking.

16          3. Any person who purposely and repeatedly harasses or  
17    follows with the intent of harassing or harasses another person,  
18    and makes a credible threat with the intent to place that person  
19    in reasonable fear of death or serious physical injury, commits  
20    the crime of aggravated stalking.

21          4. The crime of stalking shall be a class A misdemeanor for  
22    the first offense. A second or subsequent offense within five  
23    years of a previous finding or plea of guilt against any victim  
24    shall be a class D felony.

25          5. The crime of aggravated stalking shall be a class D

1 felony for the first offense. A second or subsequent offense  
2 within five years of a previous finding or plea of guilt against  
3 any victim shall be a class C felony.

4 6. Any law enforcement officer may arrest, without a  
5 warrant, any person he or she has probable cause to believe has  
6 violated the provisions of this section.

7 565.252. 1. A person commits the crime of invasion of  
8 privacy in the first degree if such person:

9 (1) Knowingly photographs or films another person, without  
10 the person's knowledge and consent, while the person being  
11 photographed or filmed is in a state of full or partial nudity  
12 and is in a place where one would have a reasonable expectation  
13 of privacy, and the person subsequently distributes the  
14 photograph or film to another or transmits the image contained in  
15 the photograph or film in a manner that allows access to that  
16 image via a computer; or

17 (2) Knowingly disseminates or permits the dissemination by  
18 any means, to another person, of a videotape, photograph, or film  
19 obtained in violation of subdivision (1) of subsection 1 of this  
20 section or in violation of section 565.253.

21 2. Invasion of privacy in the first degree is a class C  
22 felony.

23 565.253. 1. A person commits the crime of invasion of  
24 privacy in the second degree if [he]:

25 (1) Such person knowingly views, photographs or films

1 another person, without that person's knowledge and consent,  
2 while the person being viewed, photographed or filmed is in a  
3 state of full or partial nudity and is in a place where [he] one  
4 would have a reasonable expectation of privacy; or

5 (2) Such person knowingly uses a concealed camcorder or  
6 photographic camera of any type to secretly videotape,  
7 photograph, or record by electronic means, another person under  
8 or through the clothing worn by that other person for the purpose  
9 of viewing the body of or the undergarments worn by that other  
10 person without that person's consent.

11 2. Invasion of privacy in the second degree pursuant to  
12 subdivision (1) of subsection 1 of this section is a class A  
13 misdemeanor; unless more than one person is viewed, photographed  
14 or filmed in full or partial nudity in violation of sections  
15 565.250 to 565.257 during the same course of conduct, in which  
16 case invasion of privacy is a class D felony; and unless  
17 committed by a [prior invasion of privacy offender] a person who  
18 has previously pled guilty to or been found guilty of invasion of  
19 privacy, in which case invasion of privacy is a class C felony.  
20 Invasion of privacy in the second degree pursuant to subdivision  
21 (2) of subsection 1 of this section is a class A misdemeanor;  
22 unless more than one person is secretly videotaped, photographed  
23 or recorded in violation of sections 565.250 to 565.257 during  
24 the same course of conduct, in which case invasion of privacy is  
25 a class D felony; and unless committed by a person who has

1 previously pled guilty to or been found guilty of invasion of  
2 privacy, in which case invasion of privacy is a class C felony.

3 Prior pleas or findings of guilt shall be pled and proven in the  
4 same manner required by the provisions of section 558.021, RSMo.

5 566.010. As used in this chapter and chapter 568, RSMo, the  
6 following terms mean:

7 (1) "Deviate sexual intercourse", any act involving the  
8 genitals of one person and the hand, mouth, tongue, or anus of  
9 another person or a sexual act involving the penetration, however  
10 slight, of the male or female sex organ or the anus by a finger,  
11 instrument or object done for the purpose of arousing or  
12 gratifying the sexual desire of any person;

13 (2) "Sexual conduct", sexual intercourse, deviate sexual  
14 intercourse or sexual contact;

15 (3) "Sexual contact", any touching of another person with  
16 the genitals or any touching of the genitals or anus of another  
17 person, or the breast of a female person, or such touching  
18 through the clothing, for the purpose of arousing or gratifying  
19 sexual desire of any person;

20 (4) "Sexual intercourse", any penetration, however slight,  
21 of the female sex organ by the male sex organ, whether or not an  
22 emission results.

23 566.030. 1. A person commits the crime of forcible rape if  
24 such person has sexual intercourse with another person by the use  
25 of forcible compulsion. Forcible compulsion includes the use of

1 a substance administered without a victim's knowledge or consent  
2 which renders the victim physically or mentally impaired so as to  
3 be incapable of making an informed consent to sexual intercourse.

4 2. Forcible rape or an attempt to commit forcible rape is a  
5 felony for which the authorized term of imprisonment is life  
6 imprisonment without possibility of parole or a term of years not  
7 less than [five] ten years, unless in the course thereof the  
8 actor inflicts serious physical injury or displays a deadly  
9 weapon or dangerous instrument in a threatening manner or  
10 subjects the victim to sexual intercourse or deviate sexual  
11 intercourse with more than one person, in which case the  
12 authorized term of imprisonment is life imprisonment without  
13 possibility of parole or a term of years not less than [ten]  
14 fifteen years.

15 566.060. 1. A person commits the crime of forcible sodomy  
16 if such person has deviate sexual intercourse with another person  
17 by the use of forcible compulsion. Forcible compulsion includes  
18 the use of a substance administered without a victim's knowledge  
19 or consent which renders the victim physically or mentally  
20 impaired so as to be incapable of making an informed consent to  
21 sexual intercourse.

22 2. Forcible sodomy or an attempt to commit forcible sodomy  
23 is a felony for which the authorized term of imprisonment is life  
24 imprisonment without possibility of parole or a term of years not  
25 less than [five] ten years, unless in the course thereof the

1 actor inflicts serious physical injury or displays a deadly  
2 weapon or dangerous instrument in a threatening manner or  
3 subjects the victim to sexual intercourse or deviate sexual  
4 intercourse with more than one person, in which case the  
5 authorized term of imprisonment is life imprisonment without  
6 possibility of parole or a term of years not less than [ten]  
7 fifteen years.

8 566.090. 1. A person commits the crime of sexual  
9 misconduct in the first degree if he has deviate sexual  
10 intercourse with another person of the same sex or he purposely  
11 subjects another person to sexual contact [or engages in conduct  
12 which would constitute sexual contact except that the touching  
13 occurs through the clothing] without that person's consent.

14 2. Sexual misconduct in the first degree is a class A  
15 misdemeanor unless the actor has previously been convicted of an  
16 offense under this chapter or unless in the course thereof the  
17 actor displays a deadly weapon in a threatening manner or the  
18 offense is committed as a part of a ritual or ceremony, in which  
19 case it is a class D felony.

20 566.111. 1. For purposes of this section, the following  
21 terms mean:

22 (1) "Animal", every creature, either alive or dead, other  
23 than a human being;

24 (2) "Sexual conduct with an animal", any touching of an  
25 animal with the genitals or any touching of the genitals or anus

1 of an animal for the purpose of arousing or gratifying sexual  
2 desire.

3 2. No person shall engage in any sexual conduct with an  
4 animal, or cause, aid or abet another person to engage in any  
5 sexual conduct with an animal. No person shall permit any sexual  
6 conduct with an animal on any premises under such person's charge  
7 or control. No person shall engage in, promote, aid or abet any  
8 activity involving any sexual conduct with an animal for  
9 commercial or recreational purposes.

10 3. Any person who violates this section shall be guilty of  
11 a class D felony. Any person who violates this section in the  
12 presence of a minor or causes any animal serious physical injury  
13 or death while violating or attempting to violate this section  
14 shall be guilty of a class C felony.

15 4. In addition to the penalty imposed, the court may:

16 (1) Prohibit the defendant permanently or for a reasonable  
17 time from harboring animals or residing in any household where  
18 animals are present;

19 (2) Order the defendant to relinquish and permanently  
20 forfeit all animals residing in the defendant's household to a  
21 recognized or duly incorporated animal shelter or humane society,  
22 and order the defendant to reimburse such shelter or humane  
23 society for all reasonable costs incurred for the care and  
24 maintenance of the animals involved in the violation of this  
25 section; and

1       (3) Order psychological evaluation and counseling of the  
2 defendant, at the defendant's expense.

3       5. Nothing in this section shall be construed to prohibit  
4 generally accepted animal husbandry practices or generally  
5 accepted veterinary medical practices performed by a licensed  
6 veterinarian or veterinary technician.

7       6. Any person acting under authority of this section may  
8 seize any and all animals involved in the alleged violation. The  
9 defendant charged with violating this section shall be provided a  
10 disposition hearing pursuant to section 578.018, RSMo.

11       566.145. 1. A person commits the crime of sexual conduct  
12 with an inmate if such person is an employee of, or assigned to  
13 work in, any jail, prison or correctional facility and such  
14 person has sexual intercourse or deviate sexual intercourse with  
15 an inmate or resident of the facility.

16       2. Sexual conduct with an inmate is a class D felony.

17       3. Consent of the victim is not a defense to a prosecution  
18 pursuant to this section.

19       566.151. 1. A person at least twenty-one years of age or  
20 older commits the crime of enticement of a child if that person  
21 persuades, solicits, coaxes, entices, or lures whether by words,  
22 actions or through communication via the Internet or any  
23 electronic communication, any person who is less than fifteen  
24 years of age for the purpose of engaging in sexual conduct with a  
25 child.



1        2. It is not an affirmative defense to a prosecution for a  
2 violation of this section that the other person was a peace  
3 officer masquerading as a minor.

4        3. Attempting to entice a child is a class D felony.

5        4. Enticement of a child is a class C felony unless the  
6 person has previously pled guilty to or been found guilty of  
7 violating the provisions of this section, section 568.045,  
8 568.050, or section 568.060, RSMo, or chapter 566, RSMo, in which  
9 case it is a class B felony.

10        569.070. 1. A person commits the crime of causing  
11 catastrophe if [he] such person:

12        (1) Knowingly causes a catastrophe by explosion, fire,  
13 flood, collapse of a building, release of poison, radioactive  
14 material, bacteria, virus or other dangerous and difficult to  
15 confine force or substance; or

16        (2) Knowingly causes a catastrophe by modifying,  
17 destroying, damaging or disabling any computer network or  
18 program; or

19        (3) Knowingly causes a catastrophe by initiating a computer  
20 virus.

21        2. "Catastrophe" means death or serious physical injury to  
22 [ten] five or more people or substantial damage to five or more  
23 buildings or inhabitable structures or substantial damage to a  
24 private or public utility, vital public facility or public  
25 service which seriously impairs its usefulness or operation.

1           3. Causing catastrophe is a class A felony.

2           578.600. As used in sections 578.600 to 578.610,  
3           "technological crime" means any crime that involves, or the  
4           commission of which has been furthered by, a computer, computer  
5           equipment, computer hardware, computer network, computer program,  
6           computer software or computer system, as those terms are defined  
7           in section 556.063, RSMo.

8           578.605. 1. The attorney general shall have the authority  
9           to conduct investigations of technological crimes. The attorney  
10          general may use all such powers provided by law in order to  
11          conduct such investigations.

12          2. Upon completing an investigation of a technological  
13          crime where the attorney general does not have concurrent  
14          original jurisdiction to commence a criminal action to prosecute  
15          the offense, the attorney general shall provide the information  
16          obtained during the investigation to the appropriate prosecuting  
17          attorney.

18          3. Within thirty days after the prosecuting attorney's  
19          receipt of information pursuant to subsection 2 of this section,  
20          the prosecuting attorney shall notify the attorney general  
21          whether or not the prosecuting attorney intends to commence a  
22          prosecution.

23          578.610. In the course of a criminal investigation of a  
24          technological crime, the attorney general may request the circuit  
25          judge of any county in which the suspected offense could be

1     prosecuted to issue a subpoena to any witness who may have  
2     information for the purpose of oral examination under oath and to  
3     require the production of books, papers, records, or other  
4     material of any evidentiary nature at such time and place as is  
5     required under subpoena.

6           632.483. 1. When it appears that a person may meet the  
7     criteria of a sexually violent predator, the agency with  
8     jurisdiction shall give written notice of such to the attorney  
9     general and the multidisciplinary team established in subsection  
10    4 of this section. Written notice shall be given:

11          (1) Within three hundred sixty days prior to the  
12     anticipated release from a correctional center of the department  
13     of corrections of a person who has been convicted of a sexually  
14     violent offense, except that in the case of persons who are  
15     returned to prison for no more than one hundred eighty days as a  
16     result of revocation of postrelease supervision, written notice  
17     shall be given as soon as practicable following the person's  
18     readmission to prison;

19          (2) At any time prior to the release of a person who has  
20     been found not guilty by reason of mental disease or defect of a  
21     sexually violent offense; or

22          (3) At any time prior to the release of a person who was  
23     committed as a criminal sexual psychopath pursuant to section  
24     632.475 and statutes in effect before August 13, 1980.

25          2. The agency with jurisdiction shall [inform] provide the

1 attorney general and the multidisciplinary team established in  
2 subsection 4 of this section [of] with the following:

3 (1) The person's name, identifying factors, anticipated  
4 future residence and offense history; [and]

5 (2) Documentation of institutional adjustment and any  
6 treatment received or refused, including the Missouri sexual  
7 offender program; and

8 (3) A determination by either a psychiatrist or a  
9 psychologist as defined in section 632.005, as to whether the  
10 person meets the definition of a sexually violent predator.

11 3. The agency with jurisdiction, its employees, officials,  
12 members of the multidisciplinary team established in subsection 4  
13 of this section, members of the prosecutor's review committee  
14 appointed as provided in subsection 5 of this section and  
15 individuals contracting or appointed to perform services  
16 hereunder shall be immune from liability for any conduct  
17 performed in good faith and without gross negligence pursuant to  
18 the provisions of sections 632.480 to 632.513.

19 4. The director of the department of mental health and the  
20 director of the department of corrections shall establish a  
21 multidisciplinary team consisting of no more than seven members,  
22 at least one from the department of corrections and the  
23 department of mental health, and which may include individuals  
24 from other state agencies to review available records of each  
25 person referred to such team pursuant to subsection 1 of this

1 section. The team, within thirty days of receiving notice, shall  
2 assess whether or not the person meets the definition of a  
3 sexually violent predator. The team shall notify the attorney  
4 general of its assessment.

5 5. The prosecutors coordinators training council  
6 established pursuant to section 56.760, RSMo, shall appoint a  
7 five-member prosecutors' review committee composed of a cross  
8 section of county prosecutors from urban and rural counties.  
9 No more than three shall be from urban counties, and one member  
10 shall be the prosecuting attorney of the county in which the  
11 person was convicted or committed pursuant to chapter 552, RSMo.  
12 The committee shall review the records of each person referred to  
13 the attorney general pursuant to subsection 1 of this section.  
14 The prosecutors' review committee shall make a determination of  
15 whether or not the person meets the definition of a sexually  
16 violent predator. The determination of the prosecutors' review  
17 committee or any member pursuant to this section or section  
18 632.484 shall not be admissible evidence in any proceeding to  
19 prove whether or not the person is a sexually violent predator.  
20 The assessment of the multidisciplinary team shall be made  
21 available to the attorney general and the prosecutors' review  
22 committee.

23 Section B. Because immediate action is necessary to revise  
24 the statute of limitations for certain sexual offenses, section A  
25 of this act is deemed necessary for the immediate preservation of

1 the public health, welfare, peace and safety, and is hereby  
2 declared to be an emergency act within the meaning of the  
3 constitution, and section A of this act shall be in full force  
4 and effect upon its passage and approval.